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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MARK VOELKER,

Plaintiff,

v.

BNSF RAILWAY COMPANY,
a Delaware Corporation,

Defendant.

Cause No. 9:18-CV-172-DLC

**VOELKER'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

**ORAL ARGUMENT
REQUESTED**

COMES NOW Plaintiff Mark Voelker, by and through his undersigned attorneys, respectfully moves this Court for an granting summary judgment under Fed. R. Civ. P. 26(a). For the reasons set forth in Voelker's Statement of Undisputed Facts and Memorandum of Law in Support of Motion for Partial Summary

Judgment, there are no genuine issues as to any material fact on those issues and Voelker is entitled to entry of judgment as a matter of law.

In bringing this motion, Voelker's counsel hereby certifies that pursuant to Fed. R. Civ. P. 26(c)(1) and D. Mont. L.R. 26.3(c)(1) & (2) that he has conferred with counsel for Defendant BNSF Railway Company in a good-faith effort to resolve the dispute without Court action, and that such efforts have been unsuccessful. Further, pursuant to D. Mont. L.R. 7.1(c)(1), counsel for the railroad have been contacted and conveyed that they object to this motion.

Respectfully Submitted,

Dated: December 22, 2020

/s/ William G. Jungbauer

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